

AO 91 (Rev. 08/09) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

District of New Mexico

20 JUL 28 AM 10:50

CLERK-LAS CRUCES

United States of America

v.

Mundo Charles Barela

Case No.

20MJ1333

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 20, 2020 in the county of Otero in the
 District of New Mexico, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|-----------------------|-------------------------------|
| Title 18, U.S.C. 1152 | Laws Governing Indian Country |
| Title 18, U.S.C. 1111 | Second Degree Murder |

This criminal complaint is based on these facts:

See Affidavit

☐ Continued on the attached sheet.

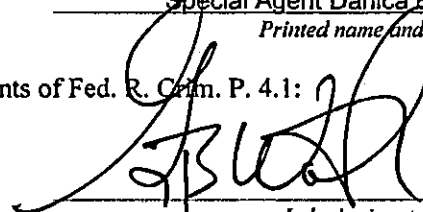
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Complainant's signature

Special Agent Danica Kaydahzinne

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1:
 telephonically sworn and electronically signed

Date: 28 July 2020


Judge's signature

GREGORY B. WORMUTH
U.S. MAGISTRATE JUDGE

Printed name and title

City and state: Las Cruces, New Mexico

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8 **IN THE UNITED STATES DISTRICT COURT**

9
10 **FOR THE**

11 **DISTRICT OF NEW MEXICO**

12 **UNITES STATES OF AMERICA)**

13 **v)**

14 **Mundo Charles BARELA)**

15 **Year of Birth: 2001)**
16
17

18 **AFFIDAVIT**

19
20 **THE UNDERSIGNED, BEING DULY SWORN, DEPOSES AND STATES THE FOLLOWING:**

21
22
23 1.) Affiant is a Special Agent for the Bureau of Indian Affairs (BIA), Office of
24 Justice Services, Mescalero Agency. Affiant has been employed by the BIA since July of
25 2013. Affiant has a Bachelor's Degree in Criminal Justice and a Master's in Psychology
26 and has completed Federal Law Enforcement Training for Criminal Investigators.
27 Affiant's primary duty is to investigate violations of Section 18 of the United States Code
28 occurring on the Mescalero Apache Reservation in Otero County, New Mexico.
29

30 2.) Information contained in this affidavit is the result of Affiant's own
31 investigation and information obtained from other duly sworn law enforcement officials.
32 This affidavit does not contain all information known by Affiant, merely sufficient
33 information for consideration of probable cause.
34

35 3.) On July 20, 2020, at approximately 8:45 p.m., the Bureau of Indian Affairs
36 (BIA), Mescalero Agency, police dispatch center received a 911 call from C.S., who
37 stated her daughter's dad, John DOE, was bleeding badly and that an officer needed to
38 respond as soon as possible to 808 Mescalero Boulevard, in Mescalero, NM. BIA Police
39 and Mescalero Fire and Rescue responded to the scene.
40

41 4.) At approximately 8:50 p.m., the Bureau of Indian Affairs (BIA), Mescalero
42 Agency, police dispatch center received another 911 call from E.S. who stated that there
43 was a stabbing at C.S.'s residence located at 808 Mescalero Boulevard. E.S. said that
44 John DOE was stabbed and that Mundo Charles BARELA did it. E.S. said that they
45 needed an ambulance and that she was DOE's girlfriend. C.S., R.M., I.M., and L.P.,
46 referred to below, all reside at 808 Mescalero Boulevard.

47
48 5.) At approximately 8:51 p.m., the Bureau of Indian Affairs (BIA), Mescalero
49 Agency, police dispatch center received another 911 call from L.P. who stated that
50 someone got shot and for someone to please help him. L.P. said the shooting took place
51 at 808 Mescalero Boulevard and that John DOE was shot by BARELA who was next
52 door. L.P. said that DOE was shot multiple times in the neck and in the body.

53
54 6.) BIA Police Officer Thomas Decker arrived on scene and immediately made
55 contact with John DOE, R.M., I.M., L.P. and C.S. outside the home and stated that DOE
56 was stabbed multiple times in the neck and abdomen by BARELA who fled the area.
57 Officer Decker immediately noticed DOE was bleeding heavily and that the wounds were
58 consistent with those caused by an edged weapon and not a gun as reported to BIA
59 dispatch. One wound was located on the left side of his neck and two on the right.
60 Multiple wounds were also located on DOE's right side near his ribcage and into his back
61 area. With the assistance of those at the residence, Officer Decker provided DOE with
62 medical first aid care until Mescalero Apache Fire and Rescue personnel arrived on
63 scene. DOE was then taken to Lincoln County Medical Center in Ruidoso, New Mexico
64 where he was pronounced deceased by a doctor at approximately 10:00 p.m.

65
66 7.) At 9:30 p.m. on July 20, 2020, a Consent to Search form was signed by C.S.,
67 the homeowner of 808 Mescalero Boulevard in Mescalero, New Mexico allowing
68 officers and agents to search and document the location where the assault took place
69 which was reported to have been outside her front door on a concrete walkway. A total of
70 six items were collected from the scene and included: (2) swabs of red substance from the
71 walkway, one black "Raiders" hat, one black t-shirt, one pair of shoes, one pair of black

72 pants and one black wallet all reportedly belonging to DOE. These items were
73 documented, photographed and collected for evidentiary purposes.

74
75 8.) At 10:57 p.m., Affiant along with BIA Police Officer Justin Apachito arrived
76 at Lincoln County Medical Center in Ruidoso, New Mexico and made contact with
77 Doctor Patrick Ballard. Affiant was shown a total of seven (7) wounds DOE sustained to
78 his neck, right chest and back. Affiant took photographs of DOE and contacted the Office
79 of Medical Investigator so that an autopsy could be scheduled. The autopsy was
80 scheduled for July 23, 2020.

81
82 9.) On July 21, 2020, at approximately 10:52 a.m., Affiant interviewed I.M. (year
83 of birth: 2001) at 648 Gallerito Flats in Mescalero, New Mexico. I.M. said that on the day
84 of the incident her father, John DOE, went to her house and asked if she could start his
85 car, which has an interlock system attached. DOE said he would buy her dinner in
86 exchange. I.M. said that she agreed and that she and her sister (R.M.) went with DOE to
87 Ruidoso, bought some things at Wal-Mart, and got pizza. They then returned home and
88 DOE and R.M. started consuming alcohol and sat on their front porch for several hours
89 while I.M. was playing video games in her room. I.M. stated that she did not consume
90 alcohol on the night of 7/20/20. I.M. reported that she later looked outside and saw R.M.
91 and BARELA talking near a fence. I.M. later went into R.M.'s room to look for a speaker
92 and saw R.M. and BARELA having sex and immediately closed the door. I.M. said that
93 her mom, C.S., later told DOE what was going on with R.M. and he tried to tell her to
94 leave with DOE but R.M. refused. I.M. soon heard people banging on the door and
95 widows of their house and when DOE answered the door he was attacked. I.M. said that
96 she ran into the living room but C.S. would not let her go outside so she and her
97 boyfriend, L.P., went out the back door and tried to stop their dog from fighting another
98 dog that was at their residence. I.M. said that it was dark outside but that she saw
99 BARELA come up to the home and that it looked like BARELA was punching DOE in
100 the neck and side as both men stood near the front door. I.M. said that she heard DOE say
101 "Mundo stop" and that after that everyone ran away. I.M. stated that she saw only
102 BARELA "punching" DOE. I.M. said that she saw blood coming out of DOE and could

103 hear it splatter on the ground. I.M. said that she went to DOE and held him and his
104 wounds until police arrived. I.M. said that BARELA was wearing a bucket cap and an
105 oversized jacket. I.M. said that BARELA left and that she did not see which way he went.
106

107 10.) At approximately 11:47 a.m., Affiant interviewed L.P. (year of birth: 2001)
108 at 648 Gallerito Flats in Mescalero, New Mexico. L.P. said that on the day of the incident
109 his girlfriend, I.M., was asked by her dad, John DOE, to help him with his car so she
110 agreed. I.M., R.M., and DOE went to get pizza and when they got home DOE and R.M.
111 went outside and started drinking alcohol. L.P. reported that he did not consume alcohol
112 on the night of 7/20/20. L.P. said that he stayed in I.M.'s room with their baby but that he
113 noticed that R.M. and DOE were upset about something but did not know what. L.P. said
114 that I.M. told him that she walked into R.M. and BARELA having sex and that DOE told
115 R.M. to leave with DOE but R.M. did not want to. L.P. said that he then heard banging
116 on the house windows and that DOE answered the door and they all heard screaming and
117 the door slam. L.P. said that C.S. locked the front door so he looked outside and saw his
118 dog fighting with another dog. L.P. stated that he and I.M. went outside through the back
119 door and tried to break the dogs apart. L.P. said that he saw BARELA walking on the
120 road towards the house and that after he broke the dogs apart he turned around and saw
121 blood gushing out of DOE and saw BARELA being pulled away by BARELA'S mother
122 (J.C.) and heard J.C. tell BARELA "what are you doing here, you're not supposed to be
123 here, get out of here." L.P. said that he saw a knife in BARELA's hand but could not
124 describe it very well because it was dark. L.P. said that he went into shock and started
125 telling everyone to put pressure on DOE's wounds until police arrived.
126

127 11.) On July 21, 2020 at approximately 2:23 p.m., Affiant interviewed M.M.
128 (year of birth: 2000) at the BIA Law Enforcement office located at 604 Lipan Avenue in
129 Mescalero, New Mexico. M.M. stated that she had been consuming alcohol on the night
130 of 7/20/20 and had been present during the assault on DOE. M.M. did not state that she
131 actually witnessed the stabbing. However, on July 22, 2020, at approximately 4:40 p.m.,
132 Affiant conducted a second interview of M.M. during which M.M. stated that she left out
133 a big piece of information from her first interview and that M.M. witnessed BARELA

134 stab DOE. M.M. said that she did not see BARELA come to or leave the scene. M.M.
135 said that she was trying to break up the dogs that were fighting, that it was dark, and that
136 she remembers seeing BARELA and DOE's figures in the dark. M.M. said that she could
137 identify that it was BARELA that did the stabbing because he is tall and was wearing the
138 same hat that he was wearing earlier in the day before the incident took place. M.M. said
139 that she saw BARELA standing beside DOE and facing DOE and that BARELA made
140 stabbing motions more than a couple of times. M.M. said that she could see DOE and that
141 he was in shock. M.M. said that she kept staring at DOE and that this is probably why she
142 did not see BARELA leave.

143
144 12.) On July 22, 2020, Affiant received the Mescalero Apache Fire and Rescue
145 incident report. Within the report it stated that on July 20, 2020 at 8:45 p.m., EMS
146 personnel were dispatched to the scene in regards to a patient that had multiple stab
147 wounds. Upon arrival, EMS personnel observed BIA Officer Decker kneeling on the
148 concrete in front of the home and was with a male patient who was supine and
149 unresponsive to verbal and painful stimuli. The patient's eyes were dilated and sluggish
150 to light and his blood loss on scene was estimated to have been around 300-400 cc
151 between the concrete and the patients clothing which was soaked. The patient had
152 multiple stab wounds which were observed on his neck and on the right lateral portion of
153 his body. The patient had a weak carotid and radial pulse and was breathing on his own
154 but the breath was shallow. The patient was loaded into the ambulance and was
155 transported to Lincoln County Medical Center. While en route, a Lincoln County EMS
156 paramedic joined the crew and assisted with attempts to keep DOE's heart beating with
157 the use of a defibrillator.

158
159 13.) On July 22, 2020, Affiant received the Lincoln County Medical Center
160 medical report for John DOE's emergency room arrival on July 20, 2020. It stated that
161 DOE arrived in cardiac arrest after receiving multiple stab wounds to the neck and the
162 right side of the chest. DOE had a pulse but was not conscious. DOE coded en route and
163 there was obvious blowout of the right trachea with frequent air movement and bleeding
164 from the last large laceration. The emergency room staff documented valiant efforts that

165 were undertaken in an attempt to save DOE, but he coded at approximately 10 p.m.
166 nonetheless and could not be revived. Final diagnosis was that the patient expired from
167 exsanguinations due to multiple stab wounds.

168
169 14.) On July 22, 2020, Federal Bureau of Investigations Special Agent Lisa Hill
170 along with BIA Special Agent James Jojola attended the autopsy examination of John
171 DOE in Albuquerque, New Mexico. After completion of the examination, agents were
172 informed that John DOE's cause of death was multiple sharp forced injuries. The manner
173 of death is homicide. It was also reported that DOE sustained injuries to his liver, lung,
174 and trachea, which resulted in a large amount of internal bleeding.

175
176 15.) On July 24, 2020, at approximately 9:45 a.m., Affiant along with SA Hill
177 interviewed Mundo Charles BARELA (year of birth: 2001) at the BIA Law Enforcement
178 office located in Mescalero, New Mexico. The interview was video recorded. BARELA
179 was provided badges for identification of the agents and was told the reason for the
180 interview. BARELA was then read his Miranda rights and acknowledged by signing a
181 Statement of Rights and Waiver form. BARELA said that he and R.M. were in a
182 relationship from March to June of 2020 and that they had recently been having problems
183 due to jealousy. BARELA said that on the day of the incident, R.M. messaged him and
184 asked him to come over. BARELA said that he needed to get a speaker from her so he
185 agreed and met R.M. at a fence located behind his grandfather's house. The two then
186 went to R.M.'s residence and while they were in R.M.'s room her father, John DOE,
187 started to bang on her window and was saying "you better not be being stupid in there"
188 and told R.M. that DOE wanted to slap her around. BARELA said that he then tried to
189 leave and R.M. would not let him and was blocking her bedroom door with her body.
190 BARELA called his cousin, M.M., and told her what was going on and asked if M.M.
191 could tell BARELA's mom and uncle to come over. M.M. told him that she would come
192 over to the home. When M.M. arrived a few minutes later, M.M. busted into R.M.'s
193 bedroom, hitting R.M. with the door and causing R.M. to fall. BARELA said that he and
194 M.M. then left and walked back to his home. As soon as they got home, BARELA said
195 that M.M. immediately told her mom, E.S., that John DOE was at C.S.'s residence (DOE

196 and C.S. used to be in a romantic relationship). BARELA said that M.S. was upset
197 because E.S. was pregnant with DOE's baby, yet DOE was hanging out with DOE's ex.
198 M.S. convinced E.S. to walk to 808 Mescalero and confront DOE. [808 Mescalero is next
199 door to BARELA's residence]. BARELA went back inside his own residence and started
200 to eat dinner. While BARELA was standing by the back door of his home he heard
201 commotion like yelling and dogs barking.

202
203 BARELA said that his mom, J.C., then went outside and BARELA followed her.
204 BARELA said that he saw two dogs fighting at the bottom of R.M.'s driveway and when
205 he went up to the home he could not see who was standing where because it was dark.
206 BARELA stated that he saw who he thought were R.M. and M.S. on the ground fighting.
207 BARELA said that he was next to the women fighting on the ground when someone
208 began to pull his hair and he stumbled forward to his knees. BARELA said that while he
209 was on his knees someone continued to pull his hair and his shirt causing it to rip.
210 BARELA said that he then saw a knife drop and so he picked it up and he attempted to
211 throw it behind him. BARELA claimed that he initially stabbed John DOE on accident
212 when BARELA attempted to throw the knife away. BARELA said that he got up and
213 realized that he had stabbed DOE and that DOE was giving him a mean look. BARELA
214 stated that BARELA became scared and did not want DOE to hit him or use the knife on
215 him, so BARELA continued to stab DOE. BARELA said that he did not know that he
216 stabbed DOE in the neck and that he dropped the knife at the scene. BARELA did not
217 state that he saw DOE with a knife or any other weapon. BARELA said that he then ran
218 back to his house and began to cry because John DOE was a cool guy and he did not
219 mean for any of it to happen. BARELA said that early the next morning he walked until
220 catching a ride to Alamogordo where he stayed in the parks until turning himself in.

221
222 16.) Affiant knows from official documents that John DOE is an enrolled
223 member of the Mescalero Apache Tribe. Affiant knows from experience and official
224 maps that the location of the homicide is within the exterior boundaries of the Mescalero
225 Apache Reservation. According to 18 U.S.C. §§ 1151 and 1152, these facts give the
226 United States jurisdiction over this crime.

227

228 17.) Affiant submits that probable cause exists to believe that Mundo Charles
229 BARELA killed John DOE while acting with callous and wanton disregard for human
230 life, and thereby committed the crime of Second Degree Murder in violation of 18 U.S.C.
231 §§ 1111 and 1152. Affiant respectfully requests that an arrest warrant be issued for
232 Mundo Charles BARELA.

233

234

Respectfully submitted

235



236

Danica D. Kaydahzinne, Special Agent
Bureau of Indian Affairs

237

238

239 Subscribed and sworn

240 Before me this 28th day

241 of July 2020

242

243

244 United States Magistrate Judge

